



Fred Kiogima
Office of the Chairman
Little Traverse Bay Bands
Of Odawa Indians

7500 Odawa Circle
Harbor Springs, Mich. 49740
231-242-1401

Memo

To: Tribal Council
From: Fred Kiogima, Chairman *FK/C*
Date: September 3, 2013
Re: WOS Amendment to Land and Reservation WOS 2008-002

This office is in receipt of the WOS Amendment to Land and Reservation WOS 2008-002 on August 4, 2013.

The amendment makes two changes to the statute. First, it adds three Tribal Citizens to the committee, and removes one Tribal Councilor seat from the committee. The Committee will now consist of five members, the majority of whom are citizens at large. Second, the amendment creates qualifications and ground for removal for committee members.

The amendment is silent on whether the Tribal Citizen members of the Committee are to be nominated by the Tribal Chairman for appointment by Council, or whether the intent is to appoint the citizen members without nomination by the Executive.

Article VIII, Section C.3 of the Tribal Constitution grants to the Chairperson the power and duty to "receive, prepare and submit nominations to the Tribal Council for consideration for the appointed positions set out in this Constitution or future Tribal statute." Likewise, Article VII, Section D.16 grants to the Council the power to "approve appointments as presented by Executive." Article VII, Section E reinforces that by stating that "The Tribal Council shall not exercise any powers not listed in this Constitution.."

In my oath of office, I vowed to follow the Constitution and will do everything in my power to ensure that happens from this day forward. Because this amendment was silent on this important issue, I believe it necessary to clarify this point as I sign the amendment into law...therefore, it is my understanding that as we are all bound by the Constitution with regard to the nomination process of Tribal Citizens by the Executive Office for appointment by the Tribal Council.

Miigwetch.

WAGANAKISING ODAWAK STATUTE 2013-012
AMENDMENT TO LAND AND RESERVATION WOS 2008-002

REPEAL:

SECTION III CREATION OF THE COMMITTEE

A. The Tribal Council hereby creates the Land and Reservation Standing Committee of the Tribal Council and its membership shall consist of three (3) Tribal Council members assigned by motion and majority vote at a regularly scheduled Tribal Council meeting.

REPLACE WITH:

SECTION III CREATION OF THE COMMITTEE

A. The Tribal Council hereby creates the Land and Reservation Standing Committee of the Tribal Council and its membership shall consist of two (2) current Tribal Council members and three (3) Tribal Citizens assigned by motion and majority vote of Tribal Council at a regularly scheduled Tribal Council meeting.

1. Members of the Committee from Tribal Council are assigned by a majority vote of Tribal Council for a two (2) year term provided that they are serving in their official capacity on Tribal Council.
2. Tribal Citizen Members of the Committee are assigned by a majority vote of Tribal Council for a three (3) year staggered term.
3. To be considered, Tribal Citizen Members of the Committee must have a real interest in assisting Tribal Council fulfill their Constitutional duties relative to land and reservation matters.
4. Any Committee member may resign at any time by delivering a written notice of resignation to the Chairperson of the Committee.
5. Committee members may be removed by a majority vote of the full Tribal

Council for just cause, including but limited to:

- a. Intentionally or negligently took action to harm the Committee, Tribal Council, or the Tribe;
- b. Is convicted of a crime that could harm the credibility or function of the Committee;
- c. Is convicted of a felony; or,
- d. Failed to act in good faith, or with the care that an ordinarily prudent person in a like position would exercise under similar circumstances, or in manner he or she reasonably believes to be in the best interest of the Committee.


EFFECTIVE DATE

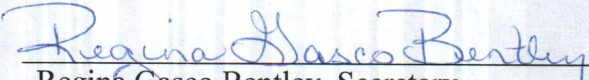
Effective upon signature of the Executive or thirty (30) days from Tribal Council approval whichever comes first, or, if the Executive vetoes the legislation, then upon Tribal Council override of the veto.

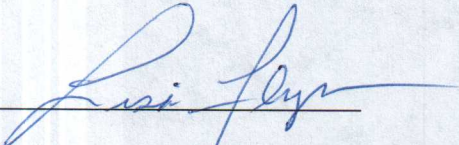
CERTIFICATION

As the Tribal Council Legislative Leader and Tribal Council Secretary, we certify that this Statute was duly passed by the Tribal Council of the Little Traverse Bay Bands of Odawa Indians at a regular meeting of the Tribal Council held on August 4, 2013 at which a quorum was present, by a vote of 5 in favor, 4 opposed, 0 abstentions, and 0 absent as recorded by this roll call:

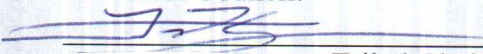
	In Favor	Opposed	Abstained	Absent
Belinda Bardwell	X			
Bill A. Denemy				X
Kevin Gasco	X			
John Keshick	X			
Aaron Otto	X			
Winnay Wemigwase				X
John Bott				X
Regina Gasco Bentley				X
Melvin L. Kiogima	X			

Date: 8.4.13 
Legislative Leader Melvin L. Kiogima

Date: 8-4-13 
Regina Gasco Bentley, Secretary

Received by the Executive Office on 8-5-13 by 

Pursuant to Article VII, Section D, Subsection 1 of the Little Traverse Bay Bands of Odawa Indians Constitution adopted on February 1, 2005 the Executive concurs in this action of the Tribal Council.

Date: 9-3-13 
Fred Kiogima, Tribal Chairperson

